

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 863, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"D. DODGE TOMLINSON'S CELEBRATED H. H. H. MEDICINE."

On or about November 3, 1909, Aschenbach & Miller, a corporation, Philadelphia, Pa., shipped from the State of Pennsylvania into the District of Columbia a quantity of a drug product labeled: (On carton) "D. Dodge Tomlinson's Celebrated H. H. H. Medicine. Used externally for rheumatism * * * Price 50 cents. Accept no H. H. H. Medicine without my portrait and signature as a guarantee of its being genuine. D. Dodge Tomlinson, Philadelphia, Pa. * * * H. H. H. Medicine contains 68 per cent of Alcohol. No. 594. Guaranteed by Aschenbach & Miller, Inc., under the Food and Drugs Act, June 30, 1906"; (on bottle) "The celebrated H. H. H. Medicine D. D. T., 1868. Alcohol 57 per cent. * * *; (on circular) "It is entirely vegetable. * * * Thousands bear testimony to its great worth for the cure of the following Diseases: Sprains, Bruises, Headache, Toothache, Rheumatism, Neuralgia, Frosted Feet, Lameness, Swollen Joints, Pain in the Back or Side, Stiffness and Lameness of the Muscles, Burns, Sore throat, Cramps, Cholera Morbus, Etc., * * * It will remove callous lumps, spavins, soft spavins, blood spavins, windgalls, thoroughpins, * * * It will heal sweeny and fistula, and injuries due to them. It will cure thrush, splint, curb and contracted hoof of the worst kind. Ringbone of not more than eighteen months' standing will be removed by its use. It will cure the lameness of bone spavin of long standing. * * * The H. H. H. will cure distemper and remove lumps left under the throat from this disease. * * * It will cure poll-evil. * * * It will cure the worst case of lameness in a short time. * * * H. H. H. Medicine will relieve the worst colic in ten minutes." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a dark-colored liquid containing 52.30 per cent of alcohol by volume, free ammonia, ammonium salts, camphor, salicylic acid, iodine in combination, soap and alkaloid-bearing drug extractives resembling cinchona, volatile oils and water; the non-volatile matter amounting to about 10 per cent and the ash to about 0.4 per cent. As it appeared from the above analysis and report

thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Aschenbach & Miller, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On November 21, 1910, a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said Aschenbach & Miller, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the statement on the carton, to wit, "H. H. H. Medicine contains 68 per cent of alcohol," and the statement on the bottle, to wit, "The celebrated H. H. H. Medicine, * * * alcohol 57 per cent," were false and misleading because the product contained neither 68 nor 57 per cent of alcohol, but contained only 52.30 per cent of alcohol; and in that the statement on the circular, to wit, "It is entirely Vegetable, safe and sure," was false and misleading, because said product was not entirely vegetable but contained ammonium salts and iodine, mineral products, and soap, which is partly mineral. The information alleged the product to be further misbranded, in that the circular bore the following statements: "It will remove callous lumps, spavins, soft spavins, blood spavins, windgalls, thoroughpins, cleaning the animal's limbs from these blemishes;" "It will heal sweeny and fistula and injuries due to them;" "It will cure thrush, splint, curb and contracted hoof of the worst kind;" "Ringbone of not more than 18 month's standing will be removed by its use;" "It will cure lameness of bone spavin of long standing;" "The H. H. H. will cure distemper and remove lumps left under the throat from this disease;" "It will cure swollen and inflamed tendons, as well as poll-evil;" "It will cure the worst case of lameness in a short time, and it will also cure scratches and grease heel;" and "H. H. H. Medicine will relieve the worst colic in ten minutes;" which said statements were false and misleading in that said product did not possess therapeutic properties adequate to effect the cures above specified.

Upon arraignment the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 5, 1911.